

02/09/01
U.S. PTO
1033-U.S.P.T.O.
09/780073

02-12-01

A

UTILITY PATENT APPLICATION TRANSMITTAL

Address to: Box PATENT APPLICATION Commissioner for Patents United States Patent & Trademark Office Washington, D.C. 20231	Attorney Docket No.	RPC 0557 PUS
	Inventor(s) or Appln. Identifier	WILLIAM PATRICK APPS

1033-U.S.P.T.O.
02/09/01

1. This application entitled NESTABLE CAN TRAY WITH CONTOURED WALL STRUCTURE is:
 - a. A new application under 37 C.F.R. § 1.53(b).
 - b. A X continuation divisional or continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No. 09/233,082 filed on January 19, 1999, entitled Nestable Can Tray With Contoured Wall Structure.
 - c. A new utility application which claims the benefit of provisional application Serial No. , filed on .

Application elements and other attached papers:

2. Specification (including Claims and Abstract) [Total Pages 12]
3. Drawings (informal / formal) [Total Sheets 7]
4. Oath or Declaration
- a. Newly-executed
- b. Copy from a prior application (37 C.F.R. § 1.63(d))
5. Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).

- a. **DELETE** the following inventor(s) named in the prior nonprovisional application:

- b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this **UTILITY PATENT APPLICATION TRANSMITTAL** and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: **Box Patent Application, Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231** on:

Express
Mail Label No. EL 503256525 US

TERRY M. KRUEGER
(Type or print name of person mailing paper)

Date of Deposit: February 9, 2001

Terry M. Krueger
(Signature of person mailing paper)

7. Preliminary Amendment:

- a. A Preliminary Amendment is attached.
- b. Cancel in this application original claims _____ of the prior application before calculating the filing fee.
- c. Please amend the specification by inserting before the first line the following sentence:

"This is a x continuation
 divisional
of copending application(s) serial number 09 /233,082
filed on January 19, 1999."

- d. A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

8. Small entity status:

- a. Applicant claims small entity status.
- b. Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c. Is no longer desired.

9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	8 -20 =	0	x 18.00	0.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	2 -3 =	0	x 80.00	0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. §1.16(d))			270.00	0.00
BASIC FEE (37 C.F.R. § 1.16(a))				710.00
TOTAL OF ABOVE CALCULATIONS				710.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28)				0.00
\$40.00 ASSIGNMENT RECORDAL FEE (if applicable)				0.00
TOTAL				710.00

10. A check in the amount of \$ 710.00 is enclosed.

11. The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978:

- a. Fees required under 37 C.F.R. § 1.16.
- b. Fees required under 37 C.F.R. § 1.17.

12. Maintenance of Copendency of Prior Application

A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until _____.

13. An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:

a. Form PTO/SB/08 (2 sheet(s))

b. In accordance with 37 CFR § 1.98(d), copies of the references listed are not included, as they were cited in parent application Serial No. 09/233,082.

14. Certified copy of priority document(s)

15. Return Receipt Postcard

16. Other: Request and Certification Under 35 U.S.C. § 122(b)(C)(i)

17. An Assignment of the invention to Rehrig Pacific Company having an address of 4010 East 26th Street, Los Angeles, California 90023

a. is attached.

b. was recorded on March 15, 1999 at Reel 9821, Frame 0011.

c. Applicant requests that the above assignee information be published with the application.

18. The power of attorney in the prior application is to:

Konstantine J. Diamond
Name of Attorney of Record

39,657
Reg. No.

The power appears in the original papers in the prior application.

The power does not appear in the original papers, but was filed on March 10, 1999.

A new power has been executed and is attached.

19. Correspondence Address: Please address all future communications to:

Konstantine J. Diamond,
Brooks & Kushman P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1351
Telephone: 248-358-4400; Fax: 248-358-3351

Respectfully submitted,

WILLIAM PATRICK APPS



Name: Konstantine J. Diamond
Registration No.: 39,657

Attorney or agent of record
 Filed under Rule 34(a)

Date February 9, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WILLIAM PATRICK APPS

Serial No.: Continuation of U.S.S.N. 09/233,082;
filed January 9, 1999

Filed: Filed Herewith

For: NESTABLE CAN TRAY WITH CONTOURED WALL STRUCTURE

Attorney Docket No.: RPC 0557 PUS

**REQUEST AND CERTIFICATION
UNDER 35 U.S.C. § 122(b)(C)(i)**

Box Patent Application
Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

Applicant of the United States patent application identified above, hereby requests that the application not be published pursuant to 35 U.S.C. § 122. Applicant certifies that the invention disclosed in the application identified above has not been, and will not be, the subject of an application filed in another country, or under a multilateral internal agreement that requires publication 18 months after filing.

Respectfully submitted,

WILLIAM PATRICK APPS

By: 
Konstantine J. Diamond
Reg. No. 39,657
Attorney/Agent for Applicant

Date: February 9, 2001

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